

REMARKS

This amendment is submitted in response to the Final Rejection dated March 19, 2010. After entry of this amendment, claims 1-32 will continue to be pending in the application. Claims 1, 20 and 32 have been amended. No new matter has been added.

1. Allowable Subject Matter

Claims 4, 9-10, 12 and 22 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Applicant appreciates the indication of allowable subject matter; however the Applicant believes that the claims from which claims 4, 9-10, 12 and 22 depend are now in condition for allowance and requests notice to that effect.

2. The Rejection under 35 U.S.C. § 112

Claims 1-32 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Although the applicant does not concede the correctness of this objection, claims 1, 20 and 32 have been amended to delete “using a gradient method” in order to obviate this rejection.

Entry of this amendment to place the application in better form for appeal by obviating the rejection of claims 1-32 under 35 U.S.C. §112, first paragraph, is requested.

3. Summary of Telephone Interview With the Examiner

On 24 June 2010, applicant's representative, Kevin J. Dunleavy, applicant's Australian representative, Will Monks, inventor Brenton Steele and the CEO of the assignee, Anthony Schilton, conducted a telephone interview with Examiner Fatimat O. Olaniran in relation to the above-mentioned application. Claim 1 was discussed in relation to U.S. Patent no. 7,076,072 (Feng) and U.S. patent no. 5,463,964 (Bradley). Bradley was brought to the applicant's attention for the first time by the Examiner during the telephone interview.

Applicant proposed deletion of the limitation, “use of a gradient method” to obviate the 35 U.S.C. §112, first paragraph, rejection and the Examiner indicated during the interview that this amendment would obviate the rejection.

The rejection of claim 1 over Feng was discussed. The arguments included in applicant’s response dated 28 January 2010 were discussed, and particularly, the applicant pointed out that Feng does not teach or suggest the requirement of claim 1 to derive both a first signal having an omnidirectional polar pattern and a second signal having a bi-directional polar pattern from two omnidirectional microphones as claimed. The Examiner asserted that in view of the alleged teaching of Bradley that omnidirectional microphones can be used in place of directional microphones to generate a bi-directional polar pattern, it would have been obvious to skilled persons to replace the directional microphones of Feng with omnidirectional microphones. The applicant argued that the skilled person still does not arrive at the present invention via this replacement since there is no teaching in any cited reference 1 to derive both a first signal having an omnidirectional polar pattern and a second signal having a bi-directional polar pattern from two omnidirectional microphones.

No agreement was reached in relation to the prior art rejection over Feng.

4. Conclusion

Applicant has made an earnest effort to place this application in condition for allowance. If the Examiner feels that a telephone interview would expedite prosecution of this patent application, he or she is respectfully invited to telephone the undersigned at 215-599-0600.

Respectfully submitted,

/Kevin J. Dunleavy/
Kevin J. Dunleavy
Registration No. 32,024

Date: July 7, 2010
KNOBLE YOSHIDA & DUNLEAVY, LLC
Eight Penn Center- Suite 1350
1628 John F. Kennedy Boulevard
Philadelphia, PA 19103
(215) 599-0600 Main
(215) 599-0601 Fax
KJDunleavy@patentwise.com